

## 1 HOUSE BILL NO. 387

2 INTRODUCED BY M. CAFERRO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN  
5 SERVICES TO INCREASE THE NUMBER OF CHILDREN ELIGIBLE FOR THE CHILDREN'S HEALTH  
6 INSURANCE PROGRAM BY REVISING INCOME ELIGIBILITY IF THE DEPARTMENT DETERMINES THAT  
7 SUFFICIENT FUNDING IS AVAILABLE; AMENDING SECTION 53-4-1004, MCA; AND PROVIDING AN  
8 EFFECTIVE DATE AND A TERMINATION DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 53-4-1004, MCA, is amended to read:

13 **"53-4-1004. (Temporary) Eligibility for program -- rulemaking.** (1) To be considered eligible for the  
14 program, a child:

15 (a) must be 18 years of age or younger;

16 (b) must have a combined family income at or below 150% of the federal poverty level or at a ~~lower~~ level  
17 determined by the department of public health and human services as provided in subsection (4) or (5);

18 (c) may not already be covered by private insurance that offers creditable coverage, as defined in 42  
19 U.S.C. 300gg(c);

20 (d) may not be eligible for medicaid benefits; and

21 (e) must be a United States citizen or qualified alien and a Montana resident.

22 (2) The department of public health and human services shall adopt rules that establish the program's  
23 criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for  
24 medicaid eligibility.

25 (3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria  
26 for income and resources, treatment of resources, and nonfinancial criteria.

27 (4) If the department determines that there is insufficient funding for the program, it may lower the  
28 percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons  
29 who may be eligible to participate or may limit the amount, scope, or duration of specific services provided.

30 (5) If the department determines that sufficient funding is available, it may set the percentage of the

1 federal poverty level established in subsection (1)(b) at a percentage between 151% and 200% of the poverty  
2 level to increase the number of persons who may be eligible to participate in the program. (Terminates on  
3 occurrence of contingency--sec. 15, Ch. 571, L. 1999.)"

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5 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2007.

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7 NEW SECTION. Section 3. Termination. (1) [Section 1] terminates on the date that the director of the  
8 department of public health and human services certifies to the governor that the federal government has  
9 terminated the program or that federal funding for the program has been discontinued.

10 (2) The governor shall transmit a copy of the certification to the code commissioner.

11 (3) Any excess funds remaining upon the termination of the program must be transferred to the general  
12 fund.

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